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*Attorneys for Defendant The Guida-Seibert Dairy Company*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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TIFFANEE GOULD, individually	:	Case No.: 1:22-cv-01861-NLH-AMD
and on behalf of her minor son, A.J.,	:	
<i>et al.</i> ,	:	<b>DEFENDANT THE GUIDA-</b>
	:	<b>SEIBERT DAIRY COMPANY’S</b>
Plaintiffs,	:	<b>NOTICE OF MOTION TO</b>
	:	<b>DISMISS PLAINTIFFS’</b>
v.	:	<b>COMPLAINT IN PART</b>
	:	<b>PURSUANT TO FED. R. CIV. P.</b>
THE GUIDA-SEIBERT DAIRY	:	<b><u>12(b)(6)</u></b>
COMPANY, <i>et al.</i> ,	:	
	:	Motion Date: June 21, 2022
Defendants.	:	
	:	
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**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law, the Declaration of Philip A. Goldstein and the exhibit(s) annexed thereto, and upon all prior pleadings and proceedings in this action, Defendant The Guida-Seibert Dairy Company (“Defendant”), in lieu of filing an Answer to Plaintiffs’ Complaint, shall move this Court before the Honorable Noel L. Hillman, U.S.D.J. at the Mitchell H. Cohen Building & U.S. Courthouse located at 4<sup>th</sup> & Cooper Streets, Camden, NJ 08101, on June 21, 2022, or as soon thereafter as counsel may be heard, for an Order

pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure granting Defendant's motion to dismiss the Complaint in part as to: (a) Count I (Negligence), (b) Count II (New Jersey Products Liability Act) as to the New Jersey Parent Class Only, (c) Count III (Intentional Infliction of Emotional Distress), and (d) Plaintiffs' claims for punitive damages, all with prejudice, and for such other, further or different relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested if this Motion is opposed, pursuant to Local Civil Rule 78.1(b); and

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is attached hereto.

Dated: New York, New York  
May 23, 2022

/s/ Philip A. Goldstein  
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